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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Calvin TIMBERLAKE and Karen)	Civil Nos. 08cv598 L (AJB)
TIMBERLAKE,)	08cv638 JAH (AJB)
)	
Plaintiffs,)	
v.)	Order Granting Motions to Quash
)	08cv598 [Doc. Nos. 1 and 2]
SYNTHES SPINE COMPANY, L.P.,)	08cv638 [Doc. No. 1]
)	
Defendant.)	
_____)	

The Defendant, Synthes, and third parties Raymond J. Linovitz, M.D., F.A.C.S. and Timothy A. Peppers, M.D., filed motions to quash Plaintiffs' third party subpoenas issued to Dr. Linovitz and Dr. Peppers. Plaintiffs' filed a notice of non-opposition and requested that the Court allow Plaintiffs' to reissue these subpoenas at a later date without prejudice. Upon review of the moving papers and subpoenas at issue, the Court finds that the issuance of these subpoenas was premature and therefore GRANTS the motions to quash without prejudice to Plaintiff's reissuing the subpoenas after other preliminary discovery matters have been addressed.

IT IS SO ORDERED.

DATED: May 1, 2008



Hon. Anthony J. Battaglia
U.S. Magistrate Judge
United States District Court

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